
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. MARCOS IVAN SERRANO-SERRANO, Defendant.	MEMORANDUM DECISION AND ORDER Case No. 2:16-cr-56-RJS-PMW District Judge Robert J. Shelby Magistrate Judge Paul M. Warner
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District Judge Robert J. Shelby referred this case to Magistrate Judge Paul M. Warner pursuant to 28 U.S.C. § 636(b)(1)(A).¹ Before the court is Marcos Ivan Serrano-Serrano’s (“Defendant”) Motion for Disclosure of Grand Jury Minutes Prior to Trial.² The court has carefully reviewed the written motion submitted by Defendant. The United States has not filed a response and the time for doing so has passed.

Defendant seeks the “disclosure of the Grand Jury minutes relating to the Indictment of all the defendants indicted in this matter within a reasonable time prior to trial.”³ The court notes that the grand jury does not keep a record of “minutes” but rather a court reporter records the grand jury proceedings. Thus, the court assumes that Defendant is referring to the grand jury transcript taken by a court reporter at the grand jury proceeding for the indictment in this matter.

¹ Dkt. no. 50.

² Dkt. no. 107.

³ *Id.* at 1.

In general, the United States Attorney's Office does not transcribe the grand jury proceedings unless it becomes apparent that the case is likely to go to trial. While the trial in this case was set to begin on February 14, 2017, there is a pending Motion to Determine James Issues that has essentially stayed the case until its resolution.

If Defendant requires a transcript of the grand jury proceedings for the purpose of filing a pretrial motion rather than for trial preparation, Defendant's counsel should consult with the Assistant United States Attorney ("AUSA") assigned to this case in order to obtain those transcripts. If he is unable to obtain the transcript through the AUSA, Defendant may file an appropriate motion that provides the reason Defendant requires the transcript before preparing for trial.

Based on the foregoing, Defendant's motion is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

DATED this 11th day of April, 2017.

BY THE COURT:



PAUL M. WARNER
United States Magistrate Judge